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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,162	02/23/2004	Assaf Govari	BIO-5042	8493

27777 7590 , 12/15/2005
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EXAMINER

BELL, ALLISON S

ART UNIT	PAPER NUMBER
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3737

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/785,162

Applicant(s)

GOVARI ET AL.

Examiner

Allison S. Bell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on ____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/25/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 8/25/2005 was filed.

The submission is in compliance with the provisions of 37 CFR 1.97 and 1.98.

Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4,6-10,12,18-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green (5,808,665) in view of Webster (6,123,699).

Green discloses an apparatus and method for use with a steerable catheter (268R, 268L; col 10, lines 47-61) with hand controllers (72R, 72L) and a deflectable distal tip. Green discloses an end-effector (170, 270R, 270L; col 2, lines 3-7) that moves in response to the hand-operated control means (col 9, lines 10-21). Green discloses use of a servomechanism that includes computer (42) that is well known in the robotic art (col 11, lines 44-47). Green discloses the control section as containing motors and linkages which operate the insertion section with five or more degrees of freedom (abstract, lines 12-14) and is also capable of pivoting with one or more degrees

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of freedom (abstract, lines 18-20). This would encompass the six dimensions of position and orientation information of the present invention. Green discloses pivotal movement of the distal tip in any direction, which would include rolling or jiggling, as well as axial movement of the outer section (150L2) into and out of the inner section (150L1) as well as rotation about the longitudinal axis (col 8, lines 58-66). Green does not disclose a thumb control explicitly.

Webster discloses sliding a button longitudinally in the length of a slot by means of thumb pressure within a control handle (col 8, lines 40-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the steerable catheter assembly of Green with the thumb control of Webster for the purpose of manually manipulating the catheter tip in a desired path.

Claim 5,11,13-17,30-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green (5,808,665) in view of Webster (6,123,699) and Vesely (6,246,898). The modified invention of Green discloses the invention substantially as claimed except for the apparatus comprising a computer pointing device and a position sensor, wherein the controller is adapted to receive the position signal.

Vesely discloses a steerable catheter with position tracking and method for using (abstract, lines 2-6) and a computer pointing device (col 25, lines 59-63), wherein a robotic controller receives the position signal and responds thereto (col 26, lines 41-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have combined the modified steerable catheter of Green with the position tracking, computer pointing device, and robotic control of Vesely for the purpose of providing more accurate guided therapies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allison S. Bell whose telephone number is 571-272-2768. The examiner can normally be reached on Monday - Friday, 8.30 am - 4.30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 571-272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ASB


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